

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

BRANCH BANKING AND TRUST  
COMPANY,

Plaintiff,

v.

ALONAN MANUFACTURING, INC., *et*  
*al.*,

Defendants.

CIVIL ACTION NO. 5:15-CV-301 (MTT)

**ORDER**

Plaintiff Branch Banking and Trust Company ("BB&T") has moved for summary judgment against Defendant Donald L. Crowe. (Doc. 23). Crowe has not responded to the motion. Nevertheless, courts "cannot base the entry of summary judgment on the mere fact that the motion was unopposed, but, rather, must consider the merits of the motion." *United States v. One Piece of Real Prop. Located at 5800 74th Ave., Miami, Fla.*, 363 F.3d 1099, 1101 (11th Cir. 2004). The Court has reviewed the motion and the supporting evidentiary materials, and it is clear that summary judgment is appropriate. Accordingly, the motion is **GRANTED**.

The evidence submitted shows Crowe is liable for \$129,062.41 on Note 1<sup>1</sup> and \$42,923.46 on Note 2<sup>2</sup> as of the date of this Order. Crowe is liable for attorneys' fees in

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<sup>1</sup> \$92,452.90 – unpaid principal  
\$5,585.17 – accrued interest as of April 13, 2016  
\$30,106.78 – bank fees  
\$917.56 – \$13.298 per diem interest from April 13, 2016 to June 21, 2016. (Doc. 23-3 at ¶ 11).

<sup>2</sup> \$39,624.82 – unpaid principal  
\$2,535.73 – accrued interest as of April 13, 2016  
\$288.19 – bank fees

the amount of \$9,920.56 for Note 1 and \$4,288.53 for Note 2, which is 15% of the first \$500.00 of the outstanding principal and interest, plus 10% of the remaining principal and interest.

Therefore, Crowe is liable for \$186,194.96, which includes principal due on the Notes, accrued interest to date, bank fees, and attorneys' fees.

**SO ORDERED**, this 21st day of June, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT